

DIRECTOR OF CENTRAL INTELLIGENCE
SECURITY COMMITTEE
DCID 1/14 ADJUDICATION POLICY AND GUIDANCE

PURPOSE: This paper, in providing policy guidance to individuals charged with determining whether or not to issue approvals for access to sensitive compartmented information (SCI), is designed to ensure that a uniform approach is followed by Intelligence Community agencies in applying the standards of DCID 1/14. Although, for the most part, this paper focuses on criteria for adjudicating cases involving persons who are under consideration for SCI access, the same criteria are applicable in re-adjudicating persons already holding SCI access approvals.

CRITERIA: In order to be eligible for SCI access, a subject must be stable, of excellent character and discretion, and of unquestioned loyalty. Except where there is a compelling need and the Senior Intelligence Officer (SIO) has determined that the risk is negligible, the subject as well as immediate family members must be U.S. citizens and no immediate family members or persons to whom the subject is bound by affection or obligation should be subject to duress by a foreign power or

advocate the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

GENERAL: In all evaluations, the protection of the national security is paramount. Additional investigation should be requested whenever insufficient facts are available to make an informed appraisal, and it appears that the necessary data could be obtained with reasonable additional investigative effort. Although due consideration must be given to any "compelling need" for the subject's access that may exist, any doubt concerning personnel having access to SCI shall be resolved in favor of the national security.

ADJUDICATIVE PROCESS: The adjudicative process entails the examination of a sufficient period of a subject's life to make a determination that the subject is not now, and there is little possibility that the subject will later become, a security risk. SCI access adjudication is not a mechanical function. Rather, it is the careful weighing of a number of variables, what is known as the "whole person" concept. The recency of any adverse information, along with all circumstances pertaining thereto, is central to a fair and uniform evaluation. Key factors to be considered in the adjudication process are the maturity and responsibility of the subject at the time certain acts or

violations were committed. In short, each case must be judged on its own merits.

The adjudication of the information developed by investigation of a subject's loyalty and suitability will be performed by analysts of sound judgment with broad knowledge and experience in the fields of security and/or counter-intelligence. Adjudicators will evaluate all pertinent information in the context of the applicable personnel security criteria, investigative standards and the requirements of the national security. A minor investigative deficiency or the development of insignificant derogatory information will not automatically prevent favorable adjudication. The ultimate determination of whether the granting of access is clearly consistent with the interest of national security shall be an overall common-sense determination based on all available information. In arriving at a decision consistent with the foregoing criteria, the adjudicator must give careful scrutiny to the following matters:

- a. Loyalty
- b. Close relatives and associates
- c. Sexual perversion, homosexuality and cohabitation
- d. Undesirable character traits
- e. Financial irresponsibility
- f. Alcohol abuse
- g. Illegal drugs and drug abuse

- h. Emotional and mental disorders
- i. Record of law violations
- j. Security violations

Adjudicative actions concerning the foregoing items
are examined in greater detail below:

LOYALTY

1. DCID 1/14 establishes the categorical requirement that an individual, to be eligible for SCI access, must be of unquestioned loyalty to the United States. Moreover, unless the security risk is determined to be negligible, the subject's immediate family members and persons to whom he/she is bound by affection or obligation must neither be subject to duress by a foreign power, nor advocate the violent overthrow or unconstitutional alteration of the Government of the United States.

2. For situations reflecting on the loyalty of a subject's family members and associates, see the section on Close Relatives and Associates.

CLOSE RELATIVES AND ASSOCIATES

1. Close scrutiny is required in SCI access adjudications when members of the subject's immediate family, close associates or persons to whom the subject is bound by affection or obligation are not citizens of the United States, or their loyalty or affection is to a foreign power, or they are subject to any form of duress by a foreign power, or they advocate the violent overthrow or unconstitutional alteration of the Government of the United States. National Agency Checks will be conducted on all such individuals.

2. The adjudicator must assess carefully the degree of actual and potential influence which such individuals may exercise on the subject based on an examination of the frequency and nature of personal contact and correspondence with, and the political sophistication and general maturity of, the subject.

3. A recommendation for disapproval of access is appropriate if there is an indication that such relatives, persons or associates are connected with any foreign intelligence service.

4. When a member of the immediate family of a subject for whose access there is a compelling need is a non-U.S.

citizen and the background investigation is otherwise favorable, a waiver of DCID 1/14 standards may be granted in the sound discretion of the SIO or his designee.

5. In some circumstances the marriage of a subject holding SCI access approval can present an unacceptable security risk which will negate SCI eligibility. A subject is required to file an intent to marry, and it is the responsibility of the SIO to advise the subject of the possible security consequences. If the subject marries a non-U.S. citizen the SCI access will be suspended until the case is readjudicated unless an appropriate investigation of the spouse as required by Paragraph 11L of DCID 1/14 was conducted with favorable results. In readjudicating such cases, the same judgments and criteria as reflected above in this section should apply.

SEXUAL PERVERSION, HOMOSEXUALITY,
AND COHABITATION

1. DCID 1/14 requires that individuals, to be eligible for SCI access, must be stable and of excellent character and discretion, and not subject to undue influence or duress through exploitable personal conduct.

2. Sexual conduct, except that which occurs within the marital bonds and in private, can be a relevant consideration in circumstances in which the conduct indicates a personality disorder or could result in exposing the individual to direct or indirect pressure because of susceptibility to blackmail or coercion as a result of the deviant sexual behavior. Such behavior includes: bestiality, fetishism, exhibitionism, necrophilia, nymphomania or satyriasis, masochism, sadism, pedophilia, transvestism, and voyeurism. Homosexual activity is also to be considered as a factor in determining an individual's stability and susceptibility to undue influence or duress.

3. In examining cases involving acts of homosexuality or sexual perversion, it is relevant to consider the age of the person, the voluntariness of the activities, the frequency of such activities, the public nature of the conduct and the recency of the conduct. A recommendation for disapproval is

appropriate when, in light of all available evidence concerning the subject's history of sexual behavior, it appears that access to SCI could pose a risk to the national security.

4. The identity of a cohabitant in both homosexual and heterosexual relationships must be ascertained and then a determination must be made if such association constitutes an unacceptable security risk based on the same criteria as discussed in the section dealing with Close Relatives and Associates. Cohabitation with an alien, for example, requires the same scrutiny as marriage to an alien. Extra-marital sexual relations are also of legitimate concern to the SCI adjudicator when the potential for undue influence or duress exists.

UNDESIRABLE CHARACTER TRAITS

1. It is emphasized that the subject's lifestyle is examined only in an effort to determine whether there exists a pattern of behavior which indicates that the subject's access to SCI could pose a risk to the national security. In cases where allegations have been reported which reflect unfavorably on the reputation of the subject, it is incumbent upon the SCI adjudicator to distinguish fact from opinion and to determine which negative characteristics are real and pertinent to an evaluation of the subject's character and which are unsubstantiated or irrelevant. Relevant negative characteristics are those which, in the adjudicator's informed opinion, indicate that the subject is not willing, able or likely to provide the requisite protection of the information to which an SCI approval would provide access. The adjudicator's personal likes or dislikes should not be permitted to affect the determination.

2. Examples of matters to be examined in determining whether a subject has undesirable character traits are any substantive credible derogatory comments by associates, neighbors and other acquaintances; any litigation instituted against the subject by such persons as a result of the subject's actions; or allegations of violations of law. An

example of a person for whom an SCI access disapproval would be appropriate is an individual who regularly refuses to obey established rules and regulations, or who is unreliable to the point that it is not possible to be confident that the individual is likely to obey rules and regulations with respect to the protection of SCI.

3. The adjudicator must examine the background circumstances in cases involving incidents in which the subject evidences untruthfulness, weighing all factors with particular emphasis on establishing the intent of the subject. In those cases where a subject has tried to obscure pertinent, significant facts by falsifying data, for example, on the Personal History Statement (by either omission or false entry), such information should be weighed heavily against granting access. If a subject failed to disclose derogatory information such as a court martial or serious crime, the omission of such serious data would certainly appear intentional and, consequently, disqualify the subject for access. On the other hand, the omission of an insignificant detail or a slight embellishment would not in and of itself warrant disapproval for SCI access.

4. The adjudicator should not hesitate to request additional investigation in cases where unresolved and inconclusive allegations have been reported which reflect unfavorably on the good character of the subject.

FINANCIAL IRRESPONSIBILITY

1. Financial irresponsibility represents a vulnerability of serious concern to the SCI adjudicator. Actual cases where persons have engaged in espionage for money demonstrate the threat inherent in SCI access by individuals with expensive tastes and habits, pursuing a lifestyle beyond their means or living under the pressure of serious debt.

2. A disapproval is appropriate when there is a pattern of financial irresponsibility and it appears that the subject has not made a conscientious effort to satisfy his/her creditors. In such cases, the adjudicator should determine by personal interview or otherwise whether the subject had been notified about the debts and whether they were legally valid or ultimately satisfied.

3. When the financial irresponsibility is not of such magnitude in and of itself as to warrant disapproval, it may be supportive of a recommendation for denial of SCI access when it is associated with other evidence of general irresponsibility.

ALCOHOL ABUSE

1. The SCI adjudicator should examine any information developed relative to the subject's use of alcoholic beverages to determine the extent to which such use would adversely affect the ability of the subject to exercise the care, judgment and discretion necessary to protect the information to which an SCI approval would provide access. The adjudicator should determine whether a pattern of impropriety exists, although one incident caused by alcohol abuse may be of such magnitude as to warrant disapproval.

2. In determining the security impact of the subject's pattern of alcohol use, the adjudicator should consider: the circumstances and amount and rate of consumption, the type of alcoholic beverages involved, the time and place of consumption, the physiological and behavioral effect such drinking has on the subject. For example, does the subject's drinking result in absences from work or careless work habits? Does the subject become talkative, abusive or manifest other undesirable characteristics? Does the subject drink until intoxicated? Has the subject been arrested for any acts resulting from the influence of alcohol?

3. In the absence of conclusive evidence, additional insight may be available from appropriate medical authorities. If the subject acknowledges having an alcohol abuse problem

and is seeking help, it may be appropriate to defer granting access and monitor the subject's progress for a year or so instead of recommending a disapproval outright.

4. If, after considering the nature and source of the information, including whether it comes from multiple sources, the adjudicator determines that the subject's drinking is not quite so serious as to warrant disapproval for SCI access, it may be appropriate to recommend approval with a warning at the time of indoctrination that future incidents of alcohol abuse may result in SCI ineligibility. The adjudicator may also recommend a reinvestigation of the subject's use of alcohol after one year.

ILLEGAL DRUGS AND DRUG ABUSE

1. The SCI adjudicator should examine any and all allegations of the subject's transport, transfer, purchase or sale, cultivation, processing and manufacturing of those hallucinogens, narcotics, drugs and other materials and chemical compounds identified and listed in the Controlled Substance Act of 1970, as amended, as well as the subject's use of such substances. The SCI adjudication process is not only concerned with a subject's involvement in the above activities because of the illegality involved but also because use of these substances may lead to varying degrees of physical or psychological dependence and because such substances may have a deleterious effect on an individual's mental state and ability to function. Consequently, the use of such substances is of direct concern to the adjudicator in determining whether a subject is capable of exercising the care, discretion and judgment required for the protection of any SCI information to which an approval would provide access.

2. Persons involved in drug trafficking, i.e., the commercial cultivation, processing, manufacturing, purchasing, or sale of such substances should normally not be approved for SCI access.

3. In cases involving the use of drugs, the adjudicator must consider the nature of the substances used and whether the use is experimental or habitual. The frequency, recency and circumstances surrounding said use are key elements. For example, has the subject used "hard" drugs or hallucinogens such as heroin, cocaine or LSD? Has the subject used drugs regularly or only on occasion? Does the subject currently use drugs? Does the subject regularly purchase drugs or participate merely when offered drugs by others? Has the subject's behavior been affected by the use of drugs and, if so, to what extent?

4. Once the judgment is made that the subject is an habitual user of any controlled substance (multiple use beyond the point of mere experimentation), a recommendation for disapproval is appropriate. Moreover, even repeated use, still in the experimental stage, of hard drugs would be disqualifying.

EMOTIONAL AND MENTAL DISORDERS

1. DCID 1/14 requires that persons considered for access to SCI be stable and of excellent character and discretion. Emotional and mental disorders which interfere with an individual's perception of reality or reliability are of serious concern to the SCI adjudicator in determining whether a subject is able or willing to protect the information to which an SCI approval would provide access.

2. It is essential to obtain as much information as possible when an allegation has been made in this area. If feasible, the subject should be interviewed to obtain additional details. When appropriate, government psychological and psychiatric personnel should be consulted. This is particularly necessary when data from any psychiatrist or psychologist is to be evaluated.

3. If a current emotional instability appears to be a temporary condition, for example, caused by a death, illness or marital breakup, it may be advisable to recommend postponing final action and rechecking the situation at a later date. This precludes a security disapproval for what may be a temporary condition which, when cured, would have no security implications.

4. Military and civilian personnel who decline to take medical/psychiatric tests when so directed by competent authority should be recommended for disapproval for access to SCI.

SUBJECT'S RECORD OF LAW VIOLATIONS

1. In determining whether a subject is "stable, of excellent character and discretion" as required by DCID 1/14 for access to SCI, the adjudicator must weigh carefully any record of law violations by the subject. Although a pattern of repeated minor traffic violations could indicate a person unlikely to afford the requisite protection of the information to which an SCI approval would provide access, the adjudication process is principally concerned with more serious criminal violations.

2. Each case involving convictions for criminal offenses must be considered from the standpoint of the nature and seriousness of the offense, the circumstances under which it occurred, how long ago it occurred, whether the offense was an isolated one or a repeated violation of the law, the offender's age at the time, social conditions which may have a bearing on the subject's actions, and any evidence of rehabilitation.

3. Any conviction for a felony will normally support a recommendation for disapproval. If the offense was committed many years prior and the subject has shown evidence of rehabilitation and the investigation is otherwise clear of derogatory information, an approval may be considered.

A large number of minor offenses, however, could indicate irresponsibility and may support an adverse recommendation.

SECURITY VIOLATIONS

Most security violations are caused by carelessness or ignorance with no intention of compromising security. However, the record of a subject responsible for multiple violations should be scrutinized. The subject's current attitude toward security should be confirmed with his supervisor. A pattern of violations, whether they be the result of carelessness or indifference on the subject's part, may be sufficient grounds for disapproval if in the informed judgment of the adjudicator the subject is unwilling, unable or unlikely to afford the necessary protection of the information to which an SCI approval would provide access.

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